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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Cuba

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Cuba prepared by Mr. Carl-Johan Groth, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 51/113 of 12 December 1996 and Economic and Social Council decision 1997/271 of 22 July 1997.

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Annex

Interim report on the situation of human rights in Cuba prepared by the Special Rapporteur of the Commission on Human Rights in accordance with General Assembly resolution 51/113 and Economic and Social Council decision 1997/271

I. INTRODUCTION

A. Terms of reference

1. At its fifty-third session, the Commission on Human Rights adopted resolution 1997/62, entitled "Human rights in Cuba", on 16 April 1997, in which the Commission decided to extend for another year the mandate conferred on the Special Rapporteur by its resolution 1992/61 of 3 March 1992. Resolution 1997/62 was approved by the Economic and Social Council in its decision 1997/271 of 22 July 1997.

2. In resolution 1997/62, the Commission requested the Special Rapporteur to report to the Commission at its fifty-fourth session and to submit an interim report to the General Assembly at its fifty-second session. This report is in response to that request.

3. In the same resolution, the Commission called upon the Government of Cuba to give the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba, and requested the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba. Pursuant to that request, the Special Rapporteur once again requested the cooperation of the Government in order to fulfil his mandate, asking, inter alia, for an opportunity to visit the country. That request, like previous ones made regularly since his appointment, has remained unanswered.

4. Faced with the lack of cooperation by the Government, the Special Rapporteur has continued to base his report on information from non-governmental sources, much of it originating in Cuba and disseminated by groups of Cuban exiles in the United States of America, whose efforts to obtain it the Special Rapporteur finds commendable. As usual, the Special Rapporteur met with several of these groups, as well as with persons who had recently left Cuba and were living as exiles in the United States. These meetings took place for the most part at United Nations Headquarters in New York from 26 to 28 August 1997. The Special Rapporteur also travelled to Washington, D.C., on 25 August 1997, where he met mostly with academics and Congressional staff having a particular interest in subjects related to the human rights situation in Cuba. The Special Rapporteur also received a good deal of information from Amnesty International which he has taken into consideration in drafting this report.

B. Developments in the human rights situation

5. The information received by the Special Rapporteur in 1997 suggests a continuation of the pattern of human rights abuses set in previous years, particularly 1996. There was no change with regard to the rights to non-discrimination on political grounds and freedom of expression, assembly and association, that might indicate greater respect for and a readiness to talk to all those who, in a peaceful way, are critical of the current political, labour, or educational situation, inter alia. At the same time, groups continue to spring up as individuals who disagree with the existing system form their own associations in which possible alternative solutions to the problems currently facing Cuban society are discussed; some groups have managed to bring their conclusions to the attention of the authorities with a view to promoting a dialogue. The latter, however, continue to show no sign of openness to such a dialogue, but maintain a repressive attitude most of the time. This repressive attitude is also the reason why the above-mentioned groups are weak, since there is virtually no way to strengthen them. By way of example, one need only recall the repression unleashed in 1996 against the coalition known as Concilio Cubano, which resulted in its disbandment.

6. Nor have any changes been observed in the other areas dealt with by the Special Rapporteur in previous reports, such as the lack of independence in the administration of justice, prison conditions, the lack of trade union freedoms or the precarious working conditions caused by the economic situation. On these matters, therefore, the Special Rapporteur refers the reader chiefly to the contents of his previous reports.

II. RIGHT TO NON-DISCRIMINATION ON POLITICAL GROUNDS AND FREEDOM OF EXPRESSION AND ASSOCIATION

7. Since his last report to the Commission on Human Rights, the Special Rapporteur has received information about many cases of individuals who have been subjected to harassment by the authorities, particularly by State Security bodies, for reasons linked to the peaceful exercise of the right to freedom of expression and association. The majority of these individuals have ties to groups with political, trade union, human rights or similar leanings whose requests to be legalized are systematically left unanswered by the authorities. Among the cases brought to the Special Rapporteur's attention are the following.

Members of human rights groups

8. Daula Carpio Matos, of the Partido pro Derechos Humanos in Villa Clara, was arrested on 24 February 1997 and held for 48 hours at the State Security headquarters in Villa Clara. She was again arrested on 31 July and was held in the provincial police-training unit until 7 August, when she was sent to her home with orders not to leave it until she had been sentenced.

9. Rodolfo Conesa Vilomar and Jesús Gutiérrez Vilomar, both members of the Partido pro Derechos Humanos in Sancti Spiritus Province, were arrested on 24 February 1997 and held for 72 hours at State Security headquarters in that province. Anaida Iraina Corzo Aguiar, who belonged to the Partido pro Derechos

Humanos in Villa Clara, was arrested on 21 February and held for 48 hours at security headquarters in Villa Clara.

10. Mayte Moya Gómez, of the Cienfuegos branch of the Partido pro Derechos Humanos, was held from 21 to 24 February in State Security in Cienfuegos; she was subsequently arrested again, on 3 March, and held for 24 hours in the same place. Carlos Suárez, of the Partido pro Derechos Humanos in the town of San Juan y Martínez, Pinar del Río Province, was arrested on 28 January and held for 24 hours at State Security headquarters in San Juan y Martínez.

11. Ricardo de Armas Hernández, a member of the Partido pro Derechos Humanos in Matanzas Province, was arrested on 28 February 1997 and held for 24 hours; he was subsequently held at State Security provincial headquarters for several hours on 14 March. On 19 March he was tried for contempt of the National Revolutionary Police (PNR) and sentenced to nine months' imprisonment.

12. Lorenzo Páez Núñez and Dagoberto Vega Jaime, of the José de la Luz y Caballero Non-governmental Centre for Human Rights, were arrested on 10 July 1997 in Artemisa, Havana, and tried on the following day, without legal assistance, by a municipal court. They were sentenced to 18 months' and one year's imprisonment respectively for the crimes of contempt and defamation, and were transferred to Guanajay prison. The charges of contempt appear to be linked to an incident that took place on 25 June. On that day, Lorenzo Páez, who is also an independent journalist, was at the home of another member of the opposition, Santiago Alonso Pérez, having a telephone conversation with a representative of exiles in Miami when police officers arrived to carry out a search. Lorenzo Páez proceeded to tell the person on the telephone what was going on and handed the telephone to one of the policemen, who talked to the person in Miami. The conversation was recorded by the latter and later broadcast by a radio station that transmits to Cuba. Both Lorenzo Páez and Santiago Alonso were arrested on that day and released shortly afterwards. During their trial, the public prosecutor argued that the incident showed that Lorenzo Páez was illegally broadcasting news abroad. It was not made clear, however, why such acts constituted "contempt" or why Dagoberto Vega was accused of that crime when he had taken no part in the incident referred to. The two were also convicted of defamation after having been so accused by a former official of the Ministry of the Interior who had been mentioned by both, in a report transmitted outside Cuba by telephone, as the author of an attack on a group of young people during a party at a sugar mill. Lorenzo Páez is a mathematics teacher who in 1992 was fired from his job at the Mariel Naval Academy for criticizing the Government. He was detained briefly in November 1996, following confiscation by the authorities of documents relating to his activities in the above-mentioned organization.

Members of political groups or groups concerned with the analysis of social conditions

13. Victor Reinaldo Infante Estrada, coordinator of the Unión Cívica Nacional, was sentenced in August 1992 to 13 years' imprisonment on the charge of revealing secrets concerning the State Security. He allegedly exchanged information with a member of the State Security, also a defendant in the trial, who was said to have supplied the names of State officials reported to have

infiltrated the opposition groups.[1] He was sentenced by the Municipal Court of Matanzas on 21 January 1997 to an additional year of imprisonment for the crime of contempt. While he was in the Combinado del Sur prison in Matanzas, he is alleged to have called a guard who had brutally beaten another prisoner in December 1996 "murderer" in the presence of prison inmates; the following day the prisoner in question committed suicide.

14. Héctor Palacio Ruiz, Chairman of the Democratic Solidarity Party, was arrested on 9 January 1997 and taken first to the Technical Department of Investigations in Havana and then to the Combinado del Este prison. He was sentenced on 4 September to 18 months' imprisonment by a municipal court in Havana for the crime of contempt of President Fidel Castro. The charge was apparently due to comments which Héctor Palacio made to foreign journalists and in letters sent to foreign Governments regarding statements by President Castro at the Sixth Ibero-American Summit. He was previously arrested for a short time in February 1996.

15. Rafael Fonseca Ochoa, Jesús Rodilis, Yordi García Fornier, Pedro Lantigua and Carlos Torres Alvarez, of the Jóvenes por la Democracia movement, were arrested in Guantánamo Province on 24 February and held for 24 hours at the State Security headquarters in that province.

16. Luis Mario Parés Estrada and Salvador Mesa, of the Partido Democrático 30 de Noviembre in Granma Province, were put under arrest briefly in June, during which they were questioned and subjected to threats. Salvador Mesa was previously held from October 1996 to February 1997, when he was finally released without charges.

17. Marcos Lázaro Torres León, of the Partido Democrático 30 de Noviembre, was taken on 26 April 1997 to La Cuevita police station in San Miguel del Padrón and released a few hours later. On 30 April State Security official informed him that he was under house arrest, which also lasted several hours. He was arrested again on 9 August and remained for three days at the eleventh police precinct headquarters in San Miguel del Padrón after being threatened with prosecution for being a danger to society.

18. Néstor Rodríguez Lovaina and Radamés García de la Vega,[2] President and Vice-President respectively of the Jóvenes por la Democracia group, who had been campaigning for reform of the university system, both received sentences of imprisonment and internal banishment in 1996. The first was arrested on 8 April 1997 and sentenced two days later by the Municipal Court of Baracoa, Guantánamo Province, to 18 months' imprisonment for resisting arrest and contempt. He is serving his sentence at the Combinado de Guantánamo prison. His father, Ramón Rodríguez, was intercepted on 28 April by two officers of the National Police in Jobo Dulce Village, Baracoa municipality, and taken with his wife to the police station in Cabocú, where he had to submit to a body search and sign an official warning, and where he was threatened with arrest if he continued his activities in defence of his son. Another member of the same group, Rafael Fonseca Ochoa, a resident of Guantánamo City, was intercepted by an official of the State Security of Baracoa on 13 May when he was preparing to travel to Guantánamo and was taken to Cabocú police station. When subjected to a search he was found to have written material describing the trial of

Rodríguez Lovaina. He was warned that so long as he continued his activities with the organization in question he would be kept under strict surveillance by the State Security and could no longer enter Baracoa.

19. Radamés García de la Vega was arrested on 30 April 1997 in Palma Soriano. In June he was sentenced to 18 months' imprisonment for the crime of contempt of the Commander-in-Chief. Another member of Jóvenes por la Democracia, Heriberto Leyva Rodríguez, was arrested on 13 July and remained for several days in the provincial headquarters of the National Police in Palma Soriano, Santiago de Cuba Province. On 22 July he was ordered to pay a fine by the Municipal Court of Palma Soriano for contempt of court, apparently because he had exclaimed in a loud voice at the end of the trial of Radamés García de la Vega: "This is evidence that neither freedom nor democracy exist in Cuba".

20. Reinaldo Alfaro García, of the Democratic Solidarity Party, was arrested on 8 May after assembling a group of mothers of prisoners with a view to submitting to the Assembly of People's Power a petition calling for amnesty for their children; the day before the petition had been broadcast by radio stations in the United States. He had been arrested several time in the preceding weeks. He is being tried on the charge of disseminating false information. He suffers from an affliction of the spinal column, for which he is said not to have received any medication.

21. Alberto Perera Martínez, of the Peace, Progress and Freedom Committee, was arrested on 1 May 1997 by members of the State Security, who came to his home in El Cotorro, Havana, and carried out a search. In August he was still being held at Villa Marista and was being tried on the charge of acts against State security.

22. Lorenzo Pescoso León, Jesús Pérez Gómez of the Peace, Progress and Freedom Committee, and Aguileo Cancio Chon were released on or around 13 June 1997 without being charged. All had been arrested in Havana on 1 May and taken to Villa Marista.

23. Ana María Agramonte Crespo, President of the Movimiento Acción Nacionalista, was arrested on 1 May in Havana and sentenced on 16 May to 18 months' imprisonment by the Municipal Court of Diez de Octubre district on charges of resisting arrest and contempt. She is serving her sentence at the Occidente Women's Prison. During the preceding year, she was subjected to brief arrests and threats on account of her activities within the framework of the group mentioned.

24. Julio Grenier, an employee at the Cuban Institute of Independent Economists, had his residence searched by three members of the State Security on 2 July 1997. They confiscated a computer, sheets of blank paper, business cards, a calculator, computer diskettes, a telephone and a typewriter. On the same day another employee of the Institute, Ileana Someillán, also had her residence searched and received threats in the course of the search.

25. Félix Bonne Carcasés, René Gómez Manzano, Vladimiro Roca Antunes and Marta Beatriz Roque Cabello were arrested in Havana on 16 July after thorough searches of their homes were made while they watched. Since that time they have

been held at the Villa Marista detention centre, and it would appear that they are to be tried on the charge of enemy propaganda. The four, well-known opposition figures who lost their jobs some years ago, are members of the Grupo de Trabajo de la Disidencia Interna para el Análisis de la Situación Socio-Económica Cubana. Their principal activity is to prepare reports on the socio-political and economic situation. They issued a document in May proposing that voters abstain during the next elections and requesting the Government to reply to various questions concerning the electoral system. In June they issued another document entitled "The mother country belongs to us all", which was drawn up in response to the draft of the official document for the Fifth Communist Party Congress, to be held in October 1997.

26. Because of the concern expressed by foreign Governments at the four arrests, the Ministry of Foreign Affairs explained that the persons concerned had been engaged during the preceding weeks in intensive activities aimed at subverting the judicial and constitutional order, had attempted to obstruct the holding of local elections by organizing a boycott, had disseminated false information about the Cuban economy with the aim of discouraging foreign investment in Cuba, were receiving logistical support from the Interests Section of the United States Government in Havana, and were working with leaders of terrorist groups based in the United States.

27. Other persons associated with them, including Odilia Valdés Collazo, Ileana Someillán, Rafael García, Horacio Casanova, Rubén Martínez, Nancy Gutiérrez and Alfredo Ruiz, reportedly had their homes searched in July and August and were detained for several hours, during which time they were threatened.

28. José Luis Cabeza and Maria Magdalena Dorta, of the Movimiento 24 de febrero, were arrested on 26 July 1997 and released 72 hours later to await trial on charges of contempt and disseminating enemy propaganda, respectively.

29. Maritza Lugo Fernández, Vice-Chairman of the Partido Democrático 30 de Noviembre, was arrested on 15 August 1997, taken first to the eleventh police precinct headquarters in San Miguel del Padrón and later transferred to the Occidente Women's Prison. She was accused of trying to bribe a guard at Prison No. 1580 in Havana to give medicine and a tape recorder to a prisoner. On 5 September she was sentenced to two years' restriction of liberty. She had already been harassed in the past,[3] on 15, 18 and 19 April 1997, when she was interrogated at the 100 y Aldabó Technical Department of Investigations in Havana.

30. The lawyer Leonel Morejón Almagro, of the Cuban National Alliance, has often been pressured to leave the country since being released in early 1997.[4] On 19 August his wife, Zohairis Aguilar Callejas, was arrested after helping draft a document entitled "Declaration of the Cuban National Alliance" addressed to the Chairman of the National Assembly of People's Power. That document requested the authorities to organize a plebiscite to reform the Constitution with a view to allowing freedom of thought and association, a multi-party system and direct elections by secret ballot. The other 11 signatories of the

declaration also received visits from security agents and were threatened with long prison sentences.

Members of trade union groups

31. Rafael García Suárez, a member of the Confederación de Trabajadores Democráticos de Cuba (CTDC) was arrested on 24 February and held for 24 hours in the sixth police precinct in Havana. Gustavo Toirac González, Rafael García Suárez and Ramón González Fonseca were arrested on 26 April in San José de las Lajas, Havana Province; they were taken to a police station, questioned for several hours and forbidden to return to that area. Gustavo Toirac and Ramón González Fonseca were also arrested on 24 February and held for 48 hours in the sixth police precinct.

32. José Orlando González Bridón, President of CTDC, was arrested in the sixth police precinct on 6 February 1997 and held for six hours. He was placed under arrest again on 19 February for eight hours and on 21 February he was once again arrested and held for four days in the sixth precinct. On 31 May he was beaten after being found in the home of an independent journalist by members of the national vigilance and protection system who broke into the house and also beat other members of the family.

33. Vicente Escobar Rabeiro and Pedro Pablo Alvarez Ramos, of the Consejo Unitario de Trabajadores Cubanos in Havana, were arrested on 26 January, questioned for several hours and issued a written warning. On 24 February security agents took up positions outside their homes and prevented them from leaving; this happened again on 30 April. Vicente Escobar was arrested again on 12 June. Other council members also experienced similar incidents. The home of Gladys Linares Blanco was stoned on 21 February and 2 March; Gilberto Figueroa Alvares and Raúl Rodríguez Blanco were arrested and questioned on 20 June and Marcial Rodríguez Armenteros on 23 June.

34. Manuel Antonio Brito López, a member of the Independent Workers Union and the Consejo Unitario de Trabajadores Cubanos was summoned to the Castillejo police station in Central Havana on 12 July, where two police officers questioned him for several hours. In addition, he was ordered not to leave his neighbourhood until after 6 August, the date on which the World Youth Festival was to end.

Independent journalists

35. The members of the foreign press accredited in the country expressed their concern on learning that a code of conduct existed for foreign journalists in Cuba. That code had apparently entered into force on 21 February 1997, but the authorities had not revealed its existence until May, after which some correspondents were able to obtain a copy of it through unofficial channels. The code requires that accredited journalists always carry out their work with objectivity, ensuring that all facts are accurate, in accordance with the ethical principles that govern the profession of journalism. If they fail to do so, the code stipulates that they run the risk of being reprimanded by the Cuban International Press Centre or losing their accreditation. It also stipulates that all Cuban citizens working for a foreign press office must be hired through

a State employment agency, with the exception of those who are providing their services on a cooperative basis. The code also allows the authorities to request samples of a journalist's work as a prerequisite for being reaccredited at the beginning of the year.

36. The Director of the International Press Centre pointed out that the code did not reflect a tightening of the Cuban authorities' policy towards the foreign press but simply formalized what was already current practice. The InterAmerican Press Association publicly expressed its disapproval of such measures which it described as a way of pressuring journalists to engage in self-censorship by providing for sanctions on the basis of ambiguous but ostensibly acceptable principles such as ethics, objectivity, rigour and professionalism.

37. At the same time systematic harassment of independent journalists [illegible] belonged to news agencies they themselves had created in the capital a[illegible]everal provinces continued with a view to preventing them from disseminating information outside official press channels. Most of their information is sent outside the country. The number of such agencies and of their correspondents has grown since 1993, when two were barely functioning to no fewer than eight in 1997. The adoption in December 1996 of Act No. 80 Reaffirming the Dignity and Sovereignty of Cuba[5] seems to have aggravated the situation for independent journalists, since article 8 of the Act reads: "Any form of cooperation, direct or indirect, which facilitates implementation of the Helms-Burton Act is declared to be illegal". Some of the acts deemed to be collaboration are:

- Seeking information from or providing information to any representative of the Government of the United States of America or to any other person in order for that information to be used directly or indirectly for the possible implementation of the Helms-Burton Act, or helping another person to seek or provide such information;

- Soliciting, receiving, accepting, facilitating the distribution of or benefiting in any way from financial, material or other resources from the Government of the United States of America or provided by it through its representatives or through any other channels, if the use of those materials would contribute to the implementation of the Helms-Burton Act;

- Distributing, disseminating or assisting in the distribution of information, publications, documents or propaganda from the Government of the United States of America, its agencies or dependencies or any other source in order to facilitate implementation of the Helms-Burton Act;

- Cooperating in any way with radio or television stations or any other information and propaganda media for the purpose of facilitating implementation of the Helms-Burton Act.

38. Many of the journalists harassed during 1997 were accused of violating the Act during questioning by the police, during public criticism sessions, or when receiving warnings from members of the Committees for the Defence of the Revolution.

39. Following are some cases of harassment which occurred in 1997 and which were brought to the attention of the Special Rapporteur:

40. Tania Quintero and José Antonio González from the CubaPress agency, were arrested on 21 January upon leaving the Czech Embassy in Havana; they were held for 24 and 32 hours respectively in the fifth police precinct in Zapata. Iván Hernández Carrillo, of the Partido Solidaridad Democrática, and Félix Navarro Rodriguez, from the Llanura office of the Independent Press Office of Cuba (BPIC), were arrested on 24 February and held for 72 hours at the Matanzas State Security headquarters.

41. Joaquín Torres Alvarez, Director of HabanaPress, was physically assaulted outside his home in Havana on 31 May by four individuals, at least two of whom were members of the Communist Party; his attackers also threatened and insulted him for having sent news abroad. Joaquín Torres later filed a formal complaint with the police. In 1996 he was held for a short time on six different occasions, and in February 1997 he was threatened by police officers.

42. Héctor Peraza Linares of HabanaPress was arrested on 22 June at his home in Pinar del Río along with his wife, Carmen Fernández de Lara, who was held for an entire day at the State Security Department. Mr. Linares's computer, typewriter, tape recorder, books and papers were also confiscated. Héctor Peraza had already been arrested at least three times previously because of his journalistic activities and had been subject to internal banishment and forbidden to leave Pinar del Río. At the time of this report, he is still in custody.

43. Ana Luisa López Baeza of CubaPress was subjected to an act of repudiation at her home in Havana on 10 February; on 1 July, her 22-year-old daughter was detained briefly and warned that her mother would be imprisoned if she continued her journalistic activities. Rafaela Lasalle of OrientePress was forced to renounce her activities at her home in Santiago de Cuba on 31 May; on 9 August, she was questioned at State Security headquarters in Versalles. Juan Carlos Céspedes of CubaPress was arrested on 12 June and held for six days. Nicolás Rosario Rosabal, from the Independent Press Office in Santiago de Cuba was subjected to an act of repudiation on 21 February, was arrested on 24 February and held for an entire day at State Security headquarters; he was also arrested on 5 July and released four days later. Edel José García Díaz, of the Centro Norte del País agency, near Caibarién, Villa Clara Province, was subjected to an act of repudiation at home during the month of July; in the preceding months he had been threatened and physically assaulted. Luís López Prendes of BPIC was arrested in Havana on 16 July, released on 18 July, arrested again on 19 July and released on 6 August. Lázaro Lazo of the Nueva Prensa agency and Rafael Alberto Cruz Lima of the Patria were arrested on 22 July at the former's home in Havana; Cruz Lima was banished to Ciego de Ávila, since he was already subject to an order prohibiting him from leaving that province; on 18 August, he was arrested in Ciego de Ávila. William Cortés,

the CubaPress correspondent in Pinar del Río, was arrested on 28 July. Odalis Curbelo Sánchez, a CubaPress correspondent in Pinar del Río, was held from 31 July to 6 August. Raúl Rivero Castañeda, the director of CubaPress, was arrested on 12 August in Havana and released on 15 August; he was also arrested and held for several hours on 28 July and was subjected to an act of repudiation at his home on 11 August. Efrén Martínez Pulgarón of CubaPress was arrested on 13 August in San Luis, Pinar del Río. Marvin Hernández Monzón of CubaPress was arrested on 17 August in Havana. Olances Nogueras was forced to leave the country in August, having been subjected since 1995 to many forms of coercion, physical attacks and temporary detentions.

Other cases

44. Roberto Gonzáles Tibanear was arrested on 26 November 1996 after voicing his opposition to the Government in response to a question from a foreign journalist near the Spanish Embassy in Havana. He was detained for three days at the first police precinct in Old Havana before being transferred to the Technical Department of Investigation. Charged with disorderly conduct, he was transferred to the El Pitirre prison on 4 December 1996. On 27 December, he was tried and sentenced to nine months' imprisonment for contempt. As nine months had already elapsed since his arrest, he was released.

III. THE SITUATION IN THE PRISONS

45. The information received by the Special Rapporteur indicates that there has been no improvement in prison conditions: the same deplorable situation he described in previous reports[5] persists. Suffice it to cite as a case in point recent reports concerning the Combinado Sur prison in Matanzas Province, where the main problems are described in these terms: inmates are obliged to find pieces of plastic to avoid getting wet while they sleep because the buildings are in such disrepair that rainwater accumulated on the roof pours through; countless rats live in the areas where food is stored and prepared; mealtimes in the cafeteria are unbearable because of the huge quantity of flies; the overcrowding sometimes reaches twice the capacity of the facility because the cells, designed for three, often hold six; there is not enough food and it is deficient in vitamins and protein, most meals consisting of tasteless soups and breakfasts of hot water; there is a shortage of medicines and medical assistance is systematically denied. This situation has led to the spread of infections and epidemics of illnesses like scabies and amoebic dysentery, and nearly all the prisoners are underweight. All this is compounded by cruel and degrading treatment, in the form of brutal beatings and a lack of respect shown in the use of obscene words, shouts, shoves and kicks. Inmates are subject to constant searches and their mail is opened as a matter of course.

46. The Special Rapporteur also received information about prisoners whose state of health is disquieting because they are not receiving adequate medical attention. Among these are the following, who are serving sentences for offences that can be considered political:

(a) José Angel Carrasco Velar, an economist and engineer and a former official of the government economic planning office (JUCEPLAN), was arrested on 10 March 1992 and sentenced to seven years' imprisonment for spreading enemy propaganda. He was accused of helping to produce an underground paper containing materials critical of the system and of having questioned, during an interview given to a French newspaper, the Government's ability to lead the country. He is serving his sentence in the Combinado del Este prison; he has lost much weight and his state of health is precarious;

(b) Juan Carlos Castillo Pasto was arrested on 8 February 1993 and sentenced to 10 years' imprisonment for spreading enemy propaganda and for putting up anti-government posters and writing anti-government graffiti on buildings. He is serving his sentence in La Caoba prison in Palma Soriano, Santiago de Cuba Province. He has heart trouble;

(c) Jesús Chamber Ramírez was arrested on 14 February 1992 for spreading enemy propaganda and for publicly criticizing the system. He is being held in the Kilo 8 maximum-security prison in Camagüey Province. He has been kept in solitary confinement in punishment cells a number of times for disciplinary reasons, having been in one such cell since January 1996. He has on several occasions been beaten. In September 1996 he was condemned to an additional four years' imprisonment for "contempt of the Commander-in-Chief" for having refused to shout "Viva Fidel Castro". He suffers from a duodenal ulcer, alopecia and severe weight loss;

(d) Omar del Pozo Marrero, a doctor and President of the Unión Cívica Nacional, was arrested on 19 April 1992 and sentenced to 15 years' imprisonment for "divulging State security secrets".[7] He was placed in punishment cells on various occasions, remaining in one of them for four months. He is suffering from, among other problems, a stomach ulcer and cardiac and renal insufficiency. He has lost his hair and several teeth because of malnutrition, as well as a great deal of weight;

(e) Luis Gustavo Domínguez Gutiérrez, a member of the Comité Paz, Progreso y Libertad, was arrested on 21 September 1992 after writing letters to the authorities renouncing the medals he had received for his participation in the war in Angola. When the police searched his home they found writings questioning Cuban socialism. He was sentenced to seven years' imprisonment for spreading enemy propaganda and for contempt, and is serving his sentence in the provincial prison of Camagüey. On 12 February 1997 he was beaten by several guards when he came to the defence of another inmate who was about to be beaten. He suffers from a gastric ulcer and hypertension and has lost a great deal of weight;

(f) Adolfo Durán Figueredo was arrested on 15 September 1992 and given a nine-year sentence for spreading enemy propaganda, rebellion and other acts against State security. He was accused, together with 11 others, of belonging to an unofficial political group known as the Seguidores de Ochoa, holding clandestine meetings and printing and distributing anti-government propaganda. He is serving his sentence in the Kilo 8 special maximum-security prison in Camagüey and has spent time in solitary confinement. He has a duodenal ulcer. In April he was severely beaten by one of the prison guards;[8]

(g) Félix Tiburcio Ramírez, aged 65, sentenced in 1992 to eight years' imprisonment for spreading enemy propaganda, is being held in Las Mangas prison in Granma Province. He has advanced optical neuritis, stomach disorders and dermatitis, and is not receiving proper medical care.

IV. COMMENTS ON VARIOUS ASPECTS OF HUMAN RIGHTS IN CUBA MADE RECENTLY BY BODIES OF THE UNITED NATIONS SYSTEM

47. Various United Nations bodies whose task it is to monitor the implementation of human rights instruments by the States parties have considered reports submitted by the Government of Cuba in their respective fields. After considering these reports, each body made comments, excerpts from which are reproduced below. This makes it possible to have the viewpoint of bodies which, unlike the Special Rapporteur, enjoy the cooperation of the Government of Cuba. Furthermore, these bodies delve into issues not unrelated to the main themes with which the Special Rapporteur is concerned, giving an expert assessment of them.

A. Committee on the Elimination of Discrimination against Women

48. The Committee considered the periodic report of Cuba at its fifteenth session, held from 15 January to 2 February 1996.[9] The following paragraphs are excerpted from the Committee's concluding comments:[10]

"Positive aspects

"208. The Committee noted that Cuban legislation was progressive in its provisions affirming gender equality and that discrimination was punishable under the law.

"209. The Committee noted with satisfaction the Government support for the work of the Cuban Women's Federation, which represented 90 per cent of the women of Cuba.

"210. The Committee also noted with satisfaction the significant increase in the number of women in all fields and levels of education, in the labour force in a wide variety of occupations, including science and technology, medicine, sports, etc., and, in particular, in policy-making at local, national and international levels.

"211. The steady decline in maternal mortality, owing largely to improved care for pregnant women and better care for children in their early years, was noted by the Committee. It was also noted that deciding the number and spacing of one's children had been proclaimed a fundamental human right.

"212. The Committee noted that drop-out rates for girls had been declining, and adult education programmes had been developed for women.

"213. The Committee noted with satisfaction that the Government had made the adjustments necessary to ensure that the effects of the drastic drop in economic growth were not felt especially or solely by women.

"Principal subjects of concern

"214. ... The Committee was concerned about the elimination of certain areas of progress for women owing to the embargo and the subsequent economic constraints.

"215. The Committee observed that gender stereotypes persist despite the high levels of school enrolment, and domestic work and child care continue to be the responsibility of women.

"216. The Committee pointed out the need to expand the participation of women at the highest levels of political power.

"217. The Committee noted that, owing to the fact that women traditionally were less well paid, there was indirect discrimination in women's wages. Concern was expressed about the lack of information on women in trade unions.

"218. The Committee noted with some scepticism that domestic violence was reported to be infrequent and that it was not considered to be a social problem.

"219. The Committee also noted that the economic situation in Cuba resulting from the economic embargo had produced a serious shortage of essential products like medicines and contraceptive devices, which had been problematic for the population as a whole, and for women in particular.

"220. The Committee was concerned about the re-emergence of prostitution in Cuba, which was linked to the growth in tourism and to the economic problems facing women.

"Suggestions and recommendations

"221. The Committee recommended that disaggregated data be collected concerning the number of complaints regarding discrimination.

"222. Surveys and studies should be undertaken to determine the extent and impact of violence against women, in particular domestic violence, even if unreported, and to take steps in accordance with general recommendation 19.

"223. Successful programmes to combat sexist prejudices and stereotyping, such as 'Mujeres', 'Muchachas' and 'Perfil F', should be revived as soon as possible, since they helped to address the attitudes of both men and women that need to be changed, particularly with regard to the need to share in the care and education of children in keeping with general recommendation 21.

"224. The Government should do everything possible to meet the demand for contraceptives. Special information programmes relating to sexually transmitted diseases, especially HIV/AIDS, should be strengthened for young girls, particularly those engaged in prostitution, in keeping with general recommendation 15.

"225. Every effort should be made to further check the re-emergence of prostitution, to offer more and better job opportunities to women who engaged in prostitution, and not to place the sole responsibility for prostitution on the women themselves. Stronger measures must be adopted to prosecute procurers and clients who violated those women's rights.

"226. An empirical study was needed to determine whether women were paid the same wages as men for work of equal value and to document occupational segregation and its relationship to income.

"227. The Committee asked that more information be given in the next periodic report on women in the labour market and their income situation. The Committee would like to receive more information on the situation of women in trade unions in subsequent reports.

"228. The Committee pointed out the need to expand the participation of women at the highest levels of political power, and suggested that efforts be continued to ensure that women have an effective voice in decisions that affected their lives."

B. Committee on the Rights of the Child

49. The Committee[11] considered the report submitted by Cuba under article 44 of the Convention on the Rights of the Child on 21 and 22 May 1997. The following is an excerpt of the Committee's concluding observations:

"B. Positive aspects

"3. The Committee notes the historic progress the State party has made in providing services for and advancing the well-being of children, especially in the fields of health and education, which are reflected in the country's socio-economic indicators such as its infant mortality rate and teacher-pupil ratio.

"...

"C. Factors and difficulties impeding the implementation of the Convention

"8. The Committee takes note of the difficulties for the State party in its implementation of the Convention as a result of the dissolution of its traditional economic ties and the intensification of the trade embargo.

"D. Principal subjects of concern

"...

"12. The Committee is further concerned about the lack of an independent mechanism, such as an Ombudsperson, accessible to children to deal with complaints of the violation of their rights and to provide remedies for such violations.

"...

"14. The Committee is concerned about the inadequacy of measures taken to incorporate education about the principles and provisions of the Convention fully into the training given to professionals working with and for children, including judges, lawyers, law enforcement personnel, teachers, social welfare officers, doctors and other health professionals, as well as personnel working in child-care institutions for children and officials of the central and local administrations.

"15. The Committee is concerned about the failure to provide for a minimum age for sexual consent and the absence of harmonization between the age for the completion of compulsory schooling and the minimum age for employment.

"16. The Committee is of the view that insufficient measures have been taken to ensure the implementation of the general principles of the Convention in policy, practice and procedures, especially with regard to article 3 (the best interests of the child) and article 12 (respect for the views of the child). The Committee is of the view that the measures taken to ensure respect for the views of the child, in the family and social life, as well as in the context of administrative, social welfare and other procedures affecting and applying to them, are insufficient.

"17. The Committee regrets the insufficiency of information provided on the implementation of the civil rights and freedoms of children.

"18. It is the view of the Committee that the apparent absence of independent mechanisms for monitoring the situation of children in institutions is a matter of concern.

"19. While the Committee takes note of the State party's efforts to deal with the issue of child abuse, including through the establishment of an early warning system for violence against children, it is of the view that these measures are insufficient to fully protect children from such violations. Furthermore, serious concern remains in relation to a child's opportunity to report abuse and other violations of his/her rights in the family, schools or other institutions and to have a complaint taken seriously and responded to effectively.

"...

"23. With regard to the issues of drug abuse and trafficking, child labour, child prostitution and suicide, the Committee takes note of the information provided by the State party that cases involving children are few and isolated. Nonetheless, it wishes to express its concern that, in light of the considerable social and economic problems facing the country, insufficient efforts are being taken by the State party to devise preventive strategies to ensure that such problems do not become more prevalent, thereby endangering future generations of children.

"...

"E. Suggestions and recommendations

"...

"32. In accordance with the Convention, the Committee recommends the harmonization of legislation, including with respect to the age of completion of compulsory schooling and the minimum age for employment.

"...

"34. The Committee encourages the State party to pursue the efforts required to ensure a holistic approach to the implementation of the Convention, which reaffirms that the rights of the child are indivisible, interdependent and interrelated and that the rights of the child should be addressed in an integrated manner. In this regard, the Committee recommends that special attention be accorded to the implementation of the civil rights and freedoms of children.

"35. The Committee recommends that further measures to protect children from abuse and maltreatment be undertaken, in particular through the development of a widespread public information campaign for the prevention of corporal punishment and bullying of children, whether by adults or by other children.

"...

"37. The Committee recommends that further resources and assistance be devoted to activities in the area of family planning and health education programmes, with a view to addressing the problem of teenage or unwanted pregnancies and changing male sexual behaviour. Issues relating to the incidence and treatment of children infected with or affected by HIV/AIDS and STDs and to reducing the apparent recourse to abortion as a method of family planning should also be the focus of programmatic actions. ...

"38. The Committee is of the view that the State party should review, as a matter of urgency, the minimum legal age of sexual consent with a view to raising it.

"...

"41. While the Committee notes that begging, drug abuse and trafficking and child prostitution are not major problems in the country at present, the Committee recommends that the Government monitor these issues closely with a view to their early prevention.

"42. The Committee further recommends that the Criminal Code provide for the protection of children up to the age of 18 from sexual exploitation. The Committee also recommends that further measures be undertaken in order to address matters relating to the sexual exploitation of children, particularly through tourism ...".[12]

C. Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference

50. In its report to the Conference at its 85th session in 1997, the Committee made the following comments on the implementation in Cuba of International Labour Organization Convention No. 87 concerning freedom of association and protection of the right to organize:[13]

"Taking into account the context of the single-party system and the single central trade union organization, the Committee emphasizes that the Government should guarantee in law and in practice the right of all workers to establish independent occupational organizations in full freedom, at both the first and central levels, including organizations that are outside any existing trade union structure, if they so wish.

"So that the above can be reflected with full clarity in practice, the Committee requests the Government, on the occasion of the envisaged revision of the labour legislation, to remove from the Labour Code and other legal texts, the explicit reference to the 'Central Organization of Workers'. The Committee has already suggested that this term could be placed in the plural without initial capital letters."

V. CONCLUSIONS AND RECOMMENDATIONS

51. Since his most recent report to the Commission on Human Rights, dated 22 January 1997,[14] the Special Rapporteur has noted no significant changes in the evolution of the human rights situation or in the pattern of repression engaged in by the security forces, which have kept up an intensive campaign of harassment against all those whose attitude differs in any way from the official line. This harassment sometimes leads to trials and prison sentences although, in keeping with the trend first observed in 1996, sentences are not as harsh as in previous years. It must be remembered, however, that lengthy sentences are still being served by persons who were convicted in 1995 and earlier for offences related to the exercise of rights recognized in international human rights instruments. Generally speaking, these persons do not enjoy such benefits as conditional release, and their living conditions inside the prisons, like those of the rest of the prison population, continue to be deplorable. Although the penalties now being imposed are lighter than before, they are being imposed for the same offences - such as contempt and enemy propaganda - as in

the past, there having been no amendments to these provisions of the Criminal Code.

52. In reviewing the current situation, the Special Rapporteur has found no evidence to suggest a trend towards greater tolerance for behaviour that does not fully conform to the existing system. The document prepared by the Communist Party for the Fifth Party Congress ("The party of unity, democracy and human rights which we defend"), which was held in October 1997, contains statements such as: "Capitalism will never be restored in Cuba because the Revolution will never be defeated. The motherland will live on and will remain socialist"; "The Revolution must remain watchful and increasingly mobilize our people in the struggle for legality and socialist ethics"; "The press, which the Revolution seized from the hands of the oligarchy and placed in the hands of the people so that it could be truly free, has a vital role to play in the ideological struggle. The mass media and educational and cultural institutions are facing their greatest challenge: to ensure that the socialist, patriotic and anti-imperialist ideas and values of the Revolution itself live on among future generations of Cubans".

53. On the other hand, the ongoing United States embargo against Cuba contributes to the rigidity of the system currently in place in the country. The embargo serves as a ready pretext for keeping the population under strict control and for punishing or suppressing in various ways those who work for political change or social space for the individual. It is true, however, that the embargo is largely responsible for the tragic shortage of material goods which characterizes Cuba in the 1990s and has caused the population untold hardships. This situation is viewed with concern by various sectors of United States society. One reflection of this concern is the comprehensive study undertaken by the American Association for World Health, a private non-profit organization which was published in 1997 under the title Denial of Food and Medicine: The Impact of the United States Embargo on Health and Nutrition in Cuba. Given their relevance to the Cuban people's enjoyment of economic and social rights, a number of excerpts from the findings of this study are reproduced in the appendix to this report.

54. Concern over the embargo's impact on the Cuban population has also been expressed in the United States Congress. As a result, a number of Congressmen introduced a bill entitled the Cuban Humanitarian Trade Act of 1997,[15] whose principal aim is to provide for a waiver of the trade embargo to allow the export of food, medicines and medical equipment to Cuba. The Special Rapporteur is following the developments related to this bill with interest and considers its objectives to be commendable. Majority support for the bill would be consistent with the humanitarian tradition and sensitivity so often displayed by the people of the United States.

55. The Special Rapporteur also continues to be concerned by the labour situation. Every society needs free trade unions to maintain a balance in the labour market. In Cuba, this general truth has become more obvious in recent years as money has become an essential requirement for the acquisition of goods and as the number of items available at very low prices through ration books has decreased. Wage levels have therefore assumed much more importance than in the past. Other recent phenomena, such as unemployment and working conditions in

foreign companies, make the establishment of free trade unions even more necessary.

56. In the meantime, self-employment, which is vital for many Cubans, continues to be subject to ideological considerations. These were reflected in the regulations governing self-employment,[16] which provide that "the Municipal Department of Labour and Social Security shall obtain from the head of the applicant's local community People's Council a recommendation indicating whether or not the applicant can be authorized to be engaged in self-employment, taking into account the activity which he intends to pursue, the need for complementarity with the State's activity and the applicant's social and employment background". In Cuba, this last criterion refers to whether or not the applicant is a "supporter of the Revolution", in other words, whether or not he explicitly supports the Government's policies and participates in political and mass organizations.

57. All of these considerations have led the Special Rapporteur to reiterate the following recommendations to the Cuban Government:

(a) Cease persecuting and punishing citizens for reasons relating to the exercise of the freedom of peaceful expression and association;

(b) Take immediate steps to release unconditionally all those persons serving sentences for reasons relating to the exercise of rights recognized in international human rights instruments;

(c) Permit legalization of independent associations, especially those seeking to carry out activities in the political, trade union, professional or human rights field, and allow them to act within the law, but without undue interference on the part of the authorities;

(d) Ratify the principal human rights instruments to which Cuba is not yet a party, in particular, the International Covenant on Civil and Political Rights and its two Optional Protocols (the first on individual communications and the second intended to abolish the death penalty) and the International Covenant on Economic, Social and Cultural Rights;

(e) Delete from penal legislation types of offences by virtue of which citizens may be tried for exercising their right to freedom of expression and association, such as enemy propaganda, unlawful association and possession of illegal printed matter, and restrict the application of other offences which, while not specifically so designed, may, in practice, be used in such a way as to have the same effect, as, for example, the offence of rebellion;

(f) Review in depth the legal provisions relating to the concept of "dangerousness" and the relevant security measures with a view to eliminating all those aspects liable to infringe the rights and freedoms of individuals;

(g) Repeal all those legal provisions which imply discrimination between citizens on political grounds, in particular in the employment and education sectors, and redress as far as possible abuses committed in this area in the

past, for example, by reinstating in their former posts persons who have been dismissed;

(h) Repeal the legal provisions which bar Cuban citizens from exercising their right to enter and leave the country freely without requiring prior administrative authorization. This also implies putting an end to de facto discrimination against persons who, having unsuccessfully tried to settle abroad, have been repatriated. Persons of Cuban origin residing abroad, in particular those who are Cuban nationals, should be able to enjoy the same right once the minimal administrative requirements have been met;

(i) Reform trial law so as to ensure that the guarantees of due process, including the independence of the judiciary, are duly safeguarded, in accordance with the provisions of the relevant international instruments. This reform must in particular include measures to facilitate free and effective access to legal assistance for all persons put on trial, including those charged with offences against State security. Such assistance should be provided by lawyers able to practise their profession with complete independence. Equality between the prosecution and the defence in trials of this nature must also be guaranteed;

(j) The competent national authorities should investigate thoroughly all incidents involving violations of the right to life with a view to determining the facts and, where appropriate, punishing those responsible and providing compensation to the relatives of the victims;

(k) Ensure greater transparency and guarantees in the prison system so as to prevent, to the extent possible, excessive violence and physical and psychological suffering from being inflicted on prisoners. In this connection, it would be a major achievement to renew the agreement with the International Committee of the Red Cross and to allow non-governmental humanitarian organizations access to prisons;

(l) Allow international non-governmental human rights organizations to enter the country frequently so that they can evaluate the human rights situation and offer their competence and cooperation with a view to securing improvements.

Notes

[1] Also sentenced at the same trial to terms of 9 and 15 years' imprisonment, respectively, were Carmen Julia Arias and Omar del Pozo Marrero. The former was released in 1996 on condition that she leave the country, while the second is still in prison.

[2] See E/CN.4/1997/53, para. 15 (b), for background information on these cases.

[3] Ibid., para. 15 (d).

[4] Ibid., para. 11 (b).

[5] Adopted on 24 December 1996 by the National Assembly of People's Power.

[6] E/CN.4/1996/53, para. 20.

[7] The same trial as Víctor Reinaldo Infante Estrada, see above.

[8] These six trials are referred to in a report by Amnesty International dated 28 May 1997 entitled "Medical concern: political prisoners in need of medical attention".

[9] Official Documents of the General Assembly, Fifty-first Session, Supplement No. 38 (A/51/38).

[10] Cuba ratified the Convention on the Elimination of All Forms of Discrimination against Women on 17 July 1980.

[11] Cuba acceded to the Convention on the Rights of the Child on 21 August 1991.

[12] "Concluding observations of the Committee on the Rights of the Child: Cuba" (CRC/C/15/Add.72).

[13] International Labour Conference, Eighty-fifth session, 1997, Report III (Part IA), Report of the Committee of Experts on the Application of Conventions and Recommendations: General report and observations on selected countries, p. 163.

[14] E/CN.4/1997/53.

[15] 105th Congress, HR 1951 IH, 18 June 1997.

[16] Published in the Official Gazette of 21 May 1996.

APPENDIX

[Original: English]

Excerpts from the report by the American Association for World Health entitled 'Denial of Food and Medicine: The Impact of the United States Embargo on Health and Nutrition in Cuba'

Summary of findings

After a year-long investigation, the American Association for World Health (AAWH) has determined that the United States embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens. As documented by the attached report, it is our expert medical opinion that the United States embargo has caused a significant rise in suffering - and even deaths - in Cuba. For several decades the United States embargo has imposed significant financial burdens on the Cuban health-care system. But since 1992 the number of unmet medical needs - patients going without essential drugs or doctors performing medical procedures without adequate equipment - has sharply accelerated. This trend is directly linked to the fact that in 1992 the United States trade embargo - one of the most stringent embargoes of its kind, prohibiting the sale of food and sharply restricting the sale of medicines and medical equipment - was further tightened by the 1992 Cuban Democracy Act.

A humanitarian catastrophe has been averted only because the Cuban Government has maintained a high level of budgetary support for a health-care system designed to deliver primary and preventive health care to all of its citizens. Cuba still has an infant mortality rate half that of the city of Washington, D.C. Even so, the United States embargo of food and the de facto embargo on medical supplies has wreaked havoc with the island's model primary health-care system. The crisis has been compounded by the country's generally weak economic resources and by the loss of trade with the Soviet bloc.

Recently four factors have dangerously exacerbated the human effects of this 37-year-old embargo. All four factors stem from little-understood provisions of the United States Congress' 1992 Cuban Democracy Act:

(1) A ban on subsidiary trade. Beginning in 1992, the Cuban Democracy Act imposed a ban on subsidiary trade with Cuba. This ban has severely constrained Cuba's ability to import medicines and medical supplies from third-country sources. Moreover, recent corporate buy-outs and mergers between major United States and European pharmaceutical companies have further reduced the number of companies permitted to do business with Cuba;

(2) Licensing. Under the Cuban Democracy Act, the United States Treasury and Commerce departments are allowed in principle to license individual sales of medicines and medical supplies, ostensibly for humanitarian reasons to mitigate the embargo's impact on health-care delivery. In practice, according to United States corporate executives, the licensing provisions are so arduous as to have had the opposite effect. As implemented, the licensing provisions actively

discourage any medical commerce. The number of such licences granted - or even applied for since 1992 - is minuscule. Numerous licences for medical equipment and medicines have been denied on the grounds that these exports 'would be detrimental to United States foreign policy interests';

(3) Shipping. Since 1992, the embargo has prohibited ships from loading or unloading cargo in United States ports for 180 days after delivering cargo to Cuba. This provision has strongly discouraged shippers from delivering medical equipment to Cuba. Consequently shipping costs have risen dramatically and further constricted the flow of food, medicines, medical supplies and even gasoline for ambulances. From 1993 to 1996, Cuban companies spent an additional $8.7 million on shipping medical imports form Asia, Europe and South America rather than from the neighbouring United States;

(4) Humanitarian aid. Charity is an inadequate alternative to free trade in medicines, medical supplies and food. Donations from United States non-governmental organizations and international agencies do not begin to compensate for the hardships inflicted by the embargo on the Cuban public health system. In any case, delays in licensing and other restrictions have severely discouraged charitable contributions from the United States.

Taken together, these four factors have placed severe strains on the Cuban health system. The declining availability of foodstuffs, medicines and such basic medical supplies as replacement parts for 30-year-old X-ray machines is taking a tragic human toll. The embargo has closed so many windows that in some instances Cuban physicians have found it impossible to obtain life-saving medicines from any source, under any circumstances. Patients have died. In general, a relatively sophisticated and comprehensive public health system is being systematically stripped of essential resources. High-technology hospital wards devoted to cardiology and nephrology are particularly under siege. But so too are such basic aspects of the health system as water quality and food security.

Specifically, the AAWH's team of nine medical experts identified the following health problems affected by the embargo:

(1) Malnutrition. The outright ban on the sale of American foodstuffs has contributed to serious nutritional deficits, particularly among pregnant women, leading to an increase in low-birth-weight babies. In addition, food shortages were linked to a devastating outbreak of neuropathy numbering in the tens of thousands. By one estimate, daily caloric intake dropped 33 per cent between 1989 and 1993;

(2) Water quality. The embargo is severely restricting Cuba's access to water treatment chemicals and spare parts for the island's water supply system. This has led to serious cutbacks in supplies of safe drinking water, which in turn has become a factor in the rising incidence of morbidity and mortality rates from waterborne diseases;

(3) Medicines and equipment. Of the 1,297 medications available in Cuba in 1991, physicians now have access to only 889 of these same medicines, and many of these are available only intermittently. Because most major new drugs

are developed by United States pharmaceuticals, Cuban physicians have access to less than 50 per cent of the new medicines available on the world market. Due to the direct or indirect effects of the embargo the most routine medical supplies are in short supply or entirely absent from some Cuban clinics;

(4) Medical information. Though information materials have been exempt from the United States trade embargo since 1988, the AAWH study concludes that in practice very little such information goes into Cuba or comes out of the island due to travel restrictions, currency regulations and shipping difficulties. Scientists and citizens of both countries suffer as a result. Paradoxically, the embargo harms some United States citizens by denying them access to the latest advances in Cuban medical research, including such products as meningitis B vaccine, cheaply produced interferon and streptokinase, and an AIDS vaccine currently undergoing clinical trials with human volunteers.

The human toll

The cost of the embargo in human terms can be calculated both statistically and anecdotally. Here are some highlights from the report:

- Surgeries dropped from 885,790 in 1990 to 536,547 in 1995, a glaring indicator of the decline in hospital resources. Surgical services face shortages of most modern anaesthetics and related equipment, specialized catheters, third-generation antibiotics and other key drugs, sutures, instruments, fabric for surgical greens, air-conditioning equipment and disposable supplies;

- The deterioration of Cuba's water supply has led to a rising incidence of waterborne diseases, such as typhoid fever, dysenteries and viral hepatitis. Mortality rates from acute diarrhoeal disease, for instance, increased from 2.7 per 100,000 inhabitants in 1989 to 6.7 per 100,000 inhabitants in 1994. Amoebic and bacillary dysentery morbidity rates showed marked increases during the same period;

- The United States embargo is limiting the access of Cuban AIDS patients to a variety of medicines. AAWH found that the embargo was directly responsible for up to six delays in AZT treatment for a total of 176 HIV patients in Cuba at a time when AZT was the only approved medication heralded for slowing the progress of the virus. As one AIDS professional told AAWH, "The problem is that our patients don't have the time to wait";

- AAWH visited a paediatric ward then on its twenty-second day without metoclopramide HCl, a drug used in combination with others such as betamethasone for paediatric chemotherapy. Without the drug's nausea-preventing effects, the 35 children in the ward were vomiting an average of 28 to 30 times a day;

- Heart disease is the number one cause of death in Cuba. Mortality rates for men and women have increased since 1989, with 189.3 deaths per 100,000 in 1989 and 199.8 deaths per 100,000 in 1995. In one instance Cuban cardiologists diagnosed a heart attack patient with a

ventricular arrythmia. He required an implantable defibrillator to survive. Though the United States firm CPI, which then held a virtual monopoly on the device, expressed a willingness to make the sale, the United States Government denied a licence for it. Two months later the patient died;

- In 1993, the United States Treasury Department denied a licence, ostensibly for reasons of foreign policy, to the German subsidiary of Pfizer to sell Cuba 1 pound of the active ingredient methotrexate for trials of an anti-cancer drug;

- Some 48 per cent of the 215 new United States medications in phase 1-111 Food and Drug Administration (FDA) trials in 1995 are specifically for breast cancer. None will be fully accessible to Cuban women as long as the embargo remains in place;

- Cuban children with leukaemia are denied access to new, life-prolonging drugs. For example, FDA has already approved Oncaspar (pegaspargase), patented by the United States company Enzon for patients allergic to L-Spar (I-asparaginase). Both drugs produce longer remission when included in treatment for acute lymphoblastic leukaemia (ALL). However, L-Spar has an allergy rate of 40 per cent for first-time use and 70 per cent for relapsed ALL patients. Further, Oncaspar is less traumatic to a child suffering from ALL, since it requires only one sixth the number of injections of L-Spar. But the embargo deprives Cuban children of this innovation. Left untreated, this type of leukaemia is fatal in two or three months;

- In general, the embargo effectively bans Cuba from purchasing nearly one half of the new world-class drugs on the market.